

EXHIBIT 12



PUBLIC EDITOR

A Rare Libel Suit Against The Times



Liz Spayd
THE PUBLIC EDITOR MAY 10, 2017



Murray Energy Corporation, one of the largest coal mining companies in the country, has just taken a step that most companies never dare try: It sued The New York Times for libel.

In a [legal claim announced last Friday](#), Murray Energy asserts that a [recent Times editorial](#) falsely accused the company's founder, Robert Murray, of lying about the cause of a deadly mine collapse and wrongly asserted that his company violated federal regulations in excess of industry norms.

To the untrained eye, this might look like routine legal jousting. But hardly anyone jousts with The Times when it comes to formally asserting libel. When they do, they almost never win. I'm told by the legal department here that the last time the newspaper lost a libel suit in the United States was at least the early 1960s. (It has lost two in Russia, one in 2015.)

In the case of Murray Energy, The Times said in a statement: "We haven't been served with the complaint, but we're confident that our editorial was accurate and we intend to defend the case vigorously."

It's perhaps not surprising that it is Robert Murray trying to buck the odds against The Times. He has emerged as one of the more outspoken coal company executives amid tensions over environmental regulations. In one [2007 Times article](#), he was referred to as having a "bombastic" style and a man who pushes against well established wisdom, including the concept of climate change.



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Robert Murray, the founder of Murray Energy Corporation. Kevin Moloney for The New York Times

I asked Murray Energy officials why they had chosen to sue, since it's more typical that the aggrieved party would pursue other means of rectifying any perceived misstatements — like seeking a correction. (Opinion editors say they're unaware of such a request.)

In an email, the company referred me to a statement, of which the most illuminating part was this: "The New York Times, of course, supported Hillary Clinton, who famously declared her agenda to 'put a lot of coal miners and coal companies out of business.' Murray Energy instituted this suit, in part, in attempt to ensure that such an agenda is not furthered by The New York Times's false and defamatory statements."

58 COMMENTS

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Follow the public editor on Twitter [@spaydl](#) and reach her by email at public@nytimes.com.

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






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